

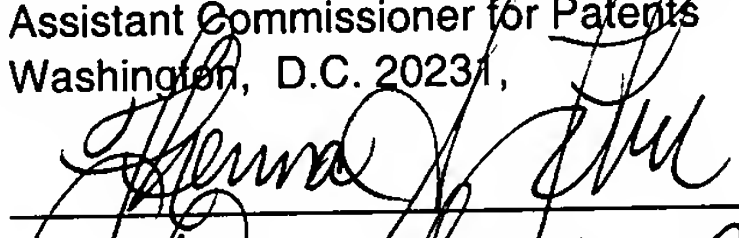
#2/nonpublication
Request
Hawkins
9/29/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hung et al.
Filed: December 10, 2001
For: Electrostatically-Controllable Diffraction Grating

BOX PATENT APPLICATION
THE ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

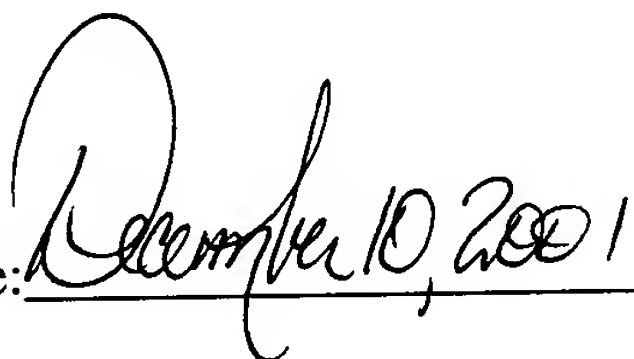
I hereby certify under 37 CFR 1.10
that this correspondence is being
deposited on the date shown below with the
United States Postal Service in an envelope with
sufficient postage as "Express Mail Post Office to
Addressee" Mailing Label Number ET773036827US,
addressed to: Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231,


December 10, 2001

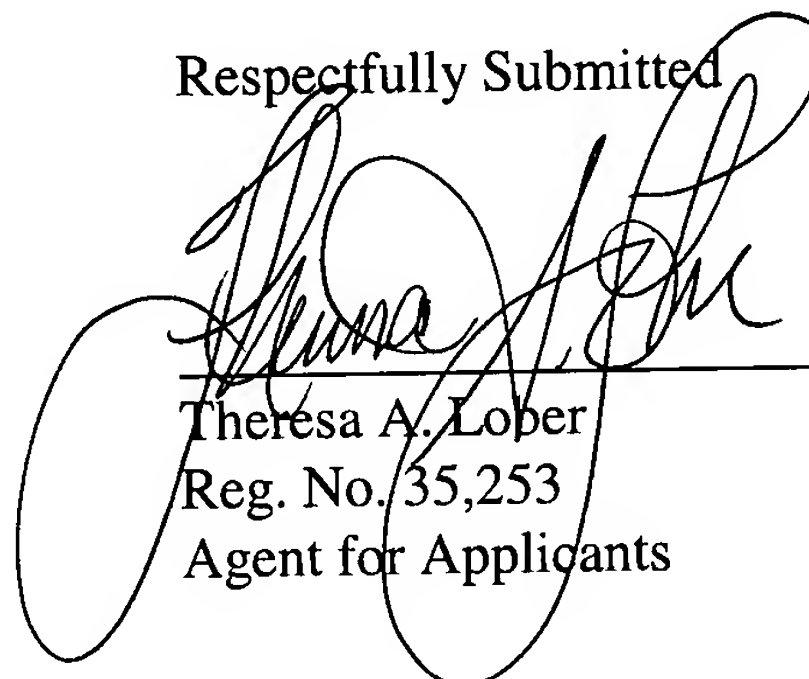
NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)

I hereby certify that the invention disclosed in this new, Non-Provisional
Patent Application **has not been and will not be** the subject of an application
filed in another country, or under a multilateral agreement, that requires
publication at eighteen months after filing.

I hereby request that this Non-Provisional Application not be published
under 35 U.S.C. 122(b).

Date: 
December 10, 2001

Respectfully Submitted


Theresa A. Lober
Reg. No. 35,253
Agent for Applicants

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10015732 121001

12/10/01
J1048 U.S. PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. MIT8178CONT
First Inventor HUNG
Title Electrostatically-Controllable Diffraction Grating
Express Mail Label No. ET773036827US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 61]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 36]
- Oath or Declaration [Total Pages 6]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09, 537,936

Prior application information:

Examiner: K. Addison

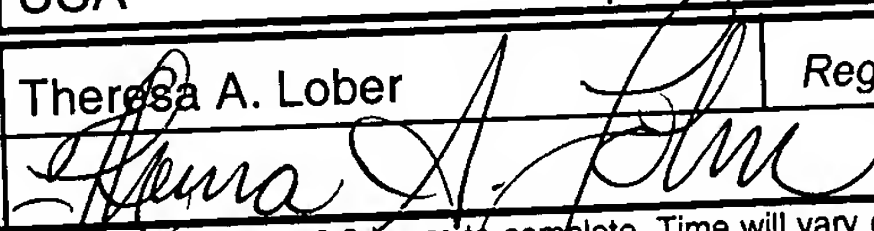
Group Art Unit: 2834

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name	Theresa A. Lober				
Address	T. A. Lober Patent Services				
	45 Walden Street				
City	Concord	State	MA	Zip Code	01742
Country	USA	Telephone	978-369-2181	Fax	978-369-7101

Name (Print/Type)	Theresa A. Lober	Registration No. (Attorney/Agent)	35,253
Signature		Date	12/10/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 776.00

Complete if Known

Application Number

Filing Date

First Named Inventor

Examiner Name

Group Art Unit

Attorney Docket No.

12/10/2001

Hung

MIT8178CONT

JQ632 U.S. PTO
10/015732

12/10/01

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

19-2553

Deposit Account Name

Massachusetts Institute of Technology

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity
Fee Code (\$)

Fee Code (\$)	Fee Code (\$)	Fee Description
101 740	201 370	Utility filing fee
106 330	206 165	Design filing fee
107 510	207 255	Plant filing fee
108 740	208 370	Reissue filing fee
114 160	214 80	Provisional filing fee

Fee Paid

740.00

SUBTOTAL (1) (\$) 740.00

2. EXTRA CLAIM FEES

Total Claims 22
Independent Claims 2
Multiple Dependent Claims 0

Extra Claims
-20** = 2
-3** = 0

Fee from below
18.00
84.00

Fee Paid
36.00
0.00

Large Entity Small Entity
Fee Code (\$)

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 36.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)

Theresa A. Lober

Signature

Theresa A. Lober

Registration No.
(Attorney/Agent)

35,253

Telephone

978-369-2181

Date

December 10, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

12/19/2001 MWOLBER1 00000027 192553 10015732
01 FC:101 740.00 CH

02/27/2002 YGIZAW 00000002 192553 10015732
01 FC:103 36.00 CH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTED HEREWITH FOR FILING IS THE
NEW NONPROVISIONAL
PATENT APPLICATION

UNDER 37 C.F.R. §1.53(b)

OF

<u>Inventor Name</u>	<u>Inventor Address</u>	<u>Inventor Citizenship</u>
Elmer S. Hung	722 Bounty Drive #2218 Foster City, CA 94404 USA	USA
Erik R. Deutsch	143 Albany Street Apt. #213-B Cambridge, MA 02139 USA	USA
Stephen D. Senturia	98 Crowninshield Road Brookline, MA 02446 USA	USA

FOR

ELECTROSTATICALLY-CONTROLLABLE DIFFRACTION GRATING**Priority Under 35 U.S.C. §§120**

This application claims the benefit of the below-identified non-provisional application:

APPLICATION NUMBER

09/537,936

FILING DATE

March 29, 2000

EXPRESS MAIL Mailing Label No.: ET773036827US

Date of Deposit: December 10, 2001

I hereby certify that this paper and all attachments are being deposited with the United State Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date indicated above, and is addressed to Box Patent Application, Assistant Commissioner For Patents, Washington, D.C. 20231.

Theresa A. Lober

December 10, 2001



10015736-121001